

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, September 24, 2002, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Joe W. Derting, Chairman
John B. Roberts, Sr., Vice Chairman
Jack H. Barker
Bobby D. Ingle
Phillip B. McCall
Dulcie M. Mumpower
Anthony S. Rector

Mark K. Reeter, County Administrator
Lucy E. Phillips, County Attorney
Mark W. Seamon, Accounting & Purchasing Manager
Naoma A. Cook, Administrative Supervisor

1 Call to Order

The meeting was called to order by Mr. Joe Derting, Chairman of the Board, who welcomed everyone in attendance.

2 Invocation and Pledge of Allegiance – Supervisor Jackson H. Barker

Supervisor Jackson H. Barker gave the Invocation and led the Pledge of Allegiance.

3 Approval of Agenda

On motion of Mr. McCall, second by Mr. Barker, it was resolved to approve the agenda with the following amendments.

Addition of Item 16c: Canceled Check #216098, \$290.47, Blevins, Bryan N.

The vote on this motion was as follows: (7-0)

Mr. Derting Aye
Mr. Barker Aye
Mr. Ingle Aye
Mr. McCall Aye
Mrs. Mumpower Aye
Mr. Rector Aye

Mr. Roberts Aye

4 Approval of Minutes of September 10, 2002

On motion of Mr. Rector, second by Mr. Roberts, it was resolved to approve the minutes of the September 10, 2002 meeting as presented.

The vote on this motion was as follows: (7-0)

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

5 Presentation of Certificate - Peggy Widner, Board of Social Services

Supervisor Dulcie Mumpower on behalf of the Board of Supervisors presented a certificate of appreciation to Peggy Widner for her outstanding service on the Board of Social Services for the last eight years and serving as chairperson for four of those years. Mrs. Mumpower commented that Ms. Widner has been a citizen of Washington County her entire life and that personally she could not extend enough gratitude for her dedication to the County and its citizens.

Ms. Widner thanked the Board of Supervisors for the recognition.

6 Public Hearing and Consideration of Ordinance Adopting and Enacting a New Code for Washington County, Virginia; Providing for the Repeal of Certain Ordinances not included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective

Prior to the public hearing, County Attorney Lucy Phillips gave introductory comments regarding the proposed ordinance to adopt the republication of the Washington County Code. Ms. Phillips said that the Washington County Code was most recently recodified in 1997. Approximately 30 new ordinances have been adopted since the 1997 recodification that were not incorporated into the Code publication by substitute or supplemental pages. Due to the number of sections and pages affected by incorporation of the newly adopted ordinances, it was determined most beneficial to the County to republish the Code. She also described to the Board the system the County has established to keep the Code up-to-date with newly adopted ordinances. Ms. Phillips announced that the republished Code will be made available on the Municipal Code Corporation website, which will be updated with newly adopted ordinances on a quarterly basis.

The Board was provided with copies of pages from the republication that contained editing marks to correct errors in chapter 66, Zoning, of the review copy. Ms. Phillips explained that the corrections were necessary to conform the republication with the existing zoning ordinance. She said that the zoning ordinance could only be changed substantively if the changes were made after review and recommendation from the Planning Commission; therefore, it was necessary to keep the substantive effect of the Zoning ordinance unchanged. She explained that the corrections did not result in any substantive changes to the law but were, instead, formatting and typographical corrections. She described a formatting change being made in the zoning ordinance with the intention to make the

provisions more easily understood without changing the substantive effect. She noted that Municipal Code Corporation would complete the corrections as quickly as possible.

Mr. Derting opened the public hearing and invited comments both in favor and in opposition.

Mr. Patrick Mannix asked if another public hearing should be held before adopting the proposed ordinance in light of the corrections noted by the County Attorney.

There being no further comments, Mr. Derting declared the public hearing closed.

In response to inquiry from the Board, Ms. Phillips explained that another public hearing would be necessary if the corrections caused significant substantive changes to the laws under consideration; however, in this case, the corrections served only to conform the republication to its stated purpose, which included the intent to leave the zoning ordinance substantively unchanged. Therefore, she advised that an additional public hearing was not required.

On motion of Mr. Ingle, second by Mr. Roberts, the Board acted to adopt the following ordinance subject to the corrections to the Washington County Code republication as noted by the County Attorney:

ORDINANCE NO. 2002-09

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR WASHINGTON COUNTY, VIRGINIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY, VIRGINIA:

Section 1. The Code entitled "Code of Washington County, Virginia," published by Municipal Code Corporation, consisting of chapters 1 through 66, each inclusive, is adopted.

Section 2. All ordinances to amend the Code of Washington County, Virginia, of a general and permanent nature enacted on or before September 30, 2002, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4.

a) Within this Code, misdemeanors are classified, for the purposes of punishment and sentencing, into four classes, as follows:

(1) Class 1 misdemeanor.

(2) Class 2 misdemeanor.

- (3) Class 3 misdemeanor.*
- (4) Class 4 misdemeanor.*
- b) The authorized punishment for conviction of each class of misdemeanor is as follows:*
- (1) For class 1 misdemeanor, confinement in jail for not more than 12 months and a fine of not more than \$2,500.00, either or both.*
- (2) For class 2 misdemeanor, confinement in jail for not more than six months and a fine of not more than \$1,000.00, either or both.*
- (3) For class 3 misdemeanor, a fine of not more than \$500.00.*
- (4) For class 4 misdemeanor, a fine of not more than \$250.00.*
- c) Unless otherwise provided, whenever in this Code or in any ordinance or resolution of the county, or any rule or regulation or order promulgated by any officer or agency of the county under authority duly vested in him or it, any act is prohibited or is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific class of misdemeanor or penalty is provided for the violation thereof, the violation of such provision of this Code or any such ordinance, resolution, rule, regulation or order shall be punished as a class 1 misdemeanor as defined in this section. However, such penalties shall not exceed those penalties prescribed by general law for like offenses.*
- d) Each day such violation continues shall be a separate offense.*
- In addition to the penalty prescribed above, the county may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits.*

Section 5. *Additions or amendments to the Code when passed in such form as to indicate the intention of the county to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.*

Section 6. *Ordinances adopted after September 30, 2002, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.*

Section 7. This ordinance shall become effective October 1, 2002.

The vote on this motion was as follows: (7-0)

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

7 Planning and Zoning Matter:

Request for Special Use Permit (continued from September 10 Regular Meeting)

(1). Randy and Susanna Coleman, Property Tax Map # 120-A-25: Request for a Special Exception Permit to construct and operate a small business in general, more specifically, Rodeo Events, Horse Shows, and other associated livestock and agricultural activities on property located on the south side of State Route 633 near the intersection of State Route 633/640 in an A-1 (Agricultural, Limited) zone, Wilson Magisterial District, F-01 Election District.

Supervisor Barker stated that his issue is not with the rodeo events, but to the location of where they are held in proximity to the neighbors. Mr. Barker stated had the rodeo arena been built under the advisement of County personnel, he expected it would have been placed in a different location further from the road. If that had been the case, he stated that he thought he could have supported the request.

Ms. Mumpower stated when she moved the Board to grant the Special Exception Permit, as follows, that she made the motion in light of the concerns voiced in the public hearing on this permit application and the potentially competing interests of agricultural use and neighboring residential use. She stated her opinion that a compromise would best serve the public.

On motion of Mrs. Mumpower, second by Mr. McCall, the Board acted to grant a Special Exception Permit to Randy & Susanna Coleman on behalf of the C5 Ranch, LLC. to operate a small business in general, more specifically described as follows, on property identified as County Tax Map 120-A-25, and subject to the following restrictions:

- A. This Special Exception Permit shall be for and limited to the following uses and activities:**
- 1. Horse shows for which admission fees or entry fees are charged to spectators or participants.**
 - 2. Rodeos or rodeo events for which admission fees are charged to spectators or participants. Rodeos or rodeo events shall include cow-roping, cow-penning, barrel racing, advertised jackpots or other awards or prizes in relation to such events, or other similar competitions or events that are commonly included in commercial rodeos.**
 - 3. Mechanical bull riding competitions or related spectator events.**
 - 4. Sale of concessions in association with rodeo activities or horse shows.**

- 5. *Off-street parking associated with the above-referenced activities, but no parking shall be allowed outside the fenced boundaries of the C5 Ranch property alongside Reedy Creek Road where the road adjoins the property.*

B. This Special Exception Permit shall limit the above-identified uses and activities as follows:

- 1. *The uses allowed by this special exception permit shall be conducted only between the hours of 8:00 AM to 11:00 PM and only on Thursdays, Fridays, and/or Saturdays, or Fridays, Saturdays and/or Sundays with Sunday operation beginning no earlier than 1:00 PM.*
- 2. *Outdoor arena lighting and public address systems shall be operated only between the hours of 8:00 AM to 11:00 PM on any day of the week.*
- 3. *The Permittee shall take reasonable steps to limit dust, dirt and gravel from escaping the boundaries of the C5 Ranch property.*
- 4. *No events shall be held that involve the use of motorized vehicles as the primary attraction.*

C. This Special Exception Permit does not regulate the following activities, which are considered uses associated with agriculture and general farming.

The boarding, breeding, general maintenance and care, and sale of horses and/or cattle.

- 2. *Training horses.*
- 3. *Raising, harvesting, or sale of hay or other agricultural crops.*
- 4. *Use of arenas in association with cattle and/or horses outside the scope of the activities specifically enumerated as regulated by this special exception permit.*
- 5. *Other uses traditionally associated with agricultural, general farming, and other uses as allowed in the A-1 zoning district by the Code of the County of Washington, Virginia.*

The vote on this motion was as follows: (5-2)

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Nay</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Nay</i>
<i>Mr. Roberts</i>	<i>Aye</i>

8 Presentation on State of Virginia Highlands Community College

Representatives for this Agenda Item had not yet arrived at the meeting; the Board by consensus moved to Item 9.

9 Consideration of Resolution Supporting a \$900 Million Educational Facilities Bond Issue

Representatives for this Agenda Item had not yet arrived at the meeting; the Board by consensus moved to Item 10.

10 Consideration of Resolution Requesting Incorporation of Middle Pointe Court into State System of Secondary Highways

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to adopt the following resolution:

RESOLUTION 2002-24

**ADDITION OF 512.58 FEET OF MIDDLE POINTE COURT TO
SECONDARY SYSTEM OF STATE HIGHWAYS
MIDDLE POINTE SUBDIVISION**

WHEREAS, the street(s) described on the attached Additions Form SR-5A, fully incorporated herein by reference, are shown on the plats recorded in the Clerk’s Office of the Circuit Court of Washington County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5A to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department’s Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

The vote on this motion was as follows: (7-0)

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Scribner's Note: Additions Form SR-5A referenced above is included as Minutes Exhibits Item 09-24-02-A

Supervisor Rector requested that the County Administrator check the status on roads that have been submitted to the Virginia Department of Transportation (VDOT) to be included in the State system. County Administrator

Mark Reeter advised the Board that he has requested a status from VDOT and to-date has not been given a response. Mr. Rector asked that Spring Hill Subdivision be looked into as well.

8 Presentation on State of Virginia Highlands Community College

Upon arrival of Dr. David Wilkin the Board heard Agenda Item 8.

Dr. David Wilkin, President, Virginia Highlands Community College, presented a report on the State of the College. In his presentation, Dr. Wilkin highlighted the accomplishments and growth of the College during the 2001-2002 academic year.

Dr. Wilkin advised the Board that the budget situation at Virginia Highlands is worse than has been reported. He explained that during his tenure as president the College has experienced a 35% increase in enrollment, but have not increased staff. Dr. Wilkin further advised the Board that if the Governor's severest reduction in the budget of 15% were implemented that he would be forced to downsize staff and this would not have a positive affect on the students.

9 Consideration of Resolution Supporting a \$900 Million Educational Facilities Bond Issue

Upon arrival of Dr. David Wilkin the Board heard Agenda Item 9.

The Board received a report from Dr. David Wilkin on the \$900 Million Education Facilities Bond issue on the November 5, 2002, election ballot. Dr. Wilkin explained that the proposed bonds would not require a tax increase and further that the budget for the Commonwealth of Virginia included a line item for bond debt. He further explained that the bonds would provide additional access to funding for higher education and workforce development. Dr. Wilkin stated that every community college in Virginia would receive a portion of the funding from the bonds, and Virginia Highlands would receive money to install a new HVAC system in its three oldest buildings. In addition, there will be \$1.9 million dollars available to complete the Higher Education Center. He further stated that the approval of the bond issue would stimulate the economy and create 14,000 jobs throughout Virginia.

The Board was provided with a resolution endorsing the \$900 million education facilities bond issue for their consideration.

The Supervisors expressed their support of Virginia Highlands Community College, and the dedication of their faculty and staff. Further discussion ensued and the following action was taken:

On motion of Mr. Ingle, second by Mr. McCall, the Board acted to adopt the following resolution:

RESOLUTION 2002-23

WHEREAS, Virginia's economic growth, prosperity, and quality of life are dependent upon the Commonwealth's ability to provide high quality educational opportunities for its citizens; and

WHEREAS, Virginia voters will have the opportunity to build a better Virginia by approving \$900 million general obligation bond (GOB) referendum on November 5, 2002, that will pay for urgently needed upgrades, renovations, modernizations, and new construction on Virginia's public college and university campuses, and necessary improvements at state museums, historic sites and cultural attractions; and

WHEREAS, more than \$159 million in projects are included that will benefit each of the 23 community colleges located on 40 campus in every corner of the Commonwealth and strengthen their efforts to provide the essential workforce training and retraining required for high-tech, high-paying jobs in the information-age economy of the 21st Century; and

WHEREAS, these projects will provide adequate and modern facilities in which Virginia's citizens can continue to have access to life-changing opportunities to better themselves through quality higher education programs that are affordable and close to home; and

WHEREAS, the projects bring new campuses, new classrooms and labs, modern heating and air conditioning systems, renovated buildings and updated handicapped accessibility to Virginia's community college campuses; and

WHEREAS, every public four-year college, university, and community college in every region of Virginia will benefit from the 122 projects paid for by the education bond referendum; and

WHEREAS, passage of this bond package is projected to generate more than \$1.5 billion in near-term economic activity by 2008, and create almost 14,000 new jobs; and

WHEREAS, passage of this referendum will not increase taxes, and will not affect Virginia's coveted AAA bond rating because passage will still leave the Commonwealth with ample capacity to repay debt;

NOW, THEREFORE, BE IT RESOLVED, that Washington County Board of Supervisors endorses the \$900 million education facilities bond issue.

The vote on this motion was as follows: (7-0)

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

11 Consideration of Appointments to Washington County Youth Services Citizens Board

Mr. Ernie Braganza, Office on Youth Director, presented the Board with a list of proposed members to be appointed to the Washington County Youth Services Citizens Board.

On motion of Mr. Barker, second by Mrs. Mumpower, it was resolved to appoint the following individuals to the Washington County Youth Services Citizens Board for a term to be effective September 24, 2002, and expire on June 30, 2005, with the exception of the youth representative appointment whose term will be effective September 24, 2002, and expire on June 30, 2003:

***Barbara Chavatel
Robert Cruise
Susan Seymore
Linda Midgett
Kevin Downs
Ashley Gilliam, Youth Representative***

The vote on this motion was as follows: (7-0)

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Responding to a question, Mr. Braganza advised the Board that he is not optimistic that the State will pick up funding for the Office on Youth Grant.

12 Recess

It was consensus of the Board not to take a recess.

13 Report on Activities of Highlands Soccer Club

The Board received a report from Mr. Roger Reynolds, Director, Highlands Soccer Club, on the activities of the Highlands Soccer Club. During his comments, Mr. Reynolds stated that on behalf of the Board of Directors, parents and team members, he expressed appreciation to the Board of Supervisors for their funding and support of the Highlands Soccer Club.

14 County Administrator Reports

County Administrator Mark Reeter reported the following items:

- a. The VACo Annual Meeting will be held on November 10-12, 2002. Mr. Reeter asked the Board to confirm their attendance with him by the October 8, 2002, Board meeting.
- b. The Board was reminded that a joint meeting is scheduled on October 15, 2002, with the Washington County Planning Commission for the purposes of reviewing in detail the draft of the Comprehensive Plan.
- c. Mr. Reeter made reference to a letter provided to him from VACO, of which the Board had been given a copy, from the Honorable John Bennett, Secretary of Finance for the Commonwealth of Virginia. He explained that the letter outlines the budget reductions that Governor Mark Warner will pass to State Agencies. Mr. Reeter commented that the budget reductions would have ramifications on the County's FY 2003-04 budget. He further commented that at this point there are only administrative estimates were available on the State's budget shortfall.

15 County Attorney Reports

County Attorney Lucy Phillips asked the Board members to return to her office their draft copies of the new Washington County Code.

16 Consent Agenda

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to approve the following Consent Agenda items:

- a. Supplemental Appropriation, Clerk of the Circuit Court, \$1,134.00 - Library of Virginia Grant*
- b. Canceled Check #0122529, \$65.00, Radford University*

The vote on this motion was as follows: (7-0)

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

17 Board Member Reports

Supervisor Bobby Ingle reported that the Business Incubator is in the final design stage and construction should begin in the spring of 2003.

Supervisor Ingle stated that the legislators involved with the Virginia Tobacco Commission should be commended for their assistance with obtaining tobacco funds for Washington County.

Supervisor Jack Barker requested that the County Administrator's evaluation be placed on a future agenda.

Chairman Derting reported that site work had begun on the Abingdon Regional Jail Site. He further reported that final estimates on construction costs for the jail had not been determined.

Chairman Derting commented that the County Department of Community & Economic Development continually gets industrial prospects. He stated that many of the prospects show a serious interest in locating a facility in Washington County and seek the County's assistance with incentives. Chairman Derting commended Assistant County Administrator Christy Parker and the County Industrial Development Authority for their efforts.

18 Adjourn

On motion of Mr. McCall, second by Mrs. Mumpower, it was resolved to adjourn the meeting.

The vote on this motion was as follows: (7-0)

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Prepared by:

Naoma A. Cook, Recording Clerk

Approved by the Washington County Board of Supervisors:

Joe W. Derting, Chairman